

## **ENFORCEMENT OF TRADEMARK AND PATENTS FOR VALUE ADDED AGRO PRODUCTS IN TAMIL NADU**

**Dr. A. Morarji<sup>12</sup> Dr. K. Ganesamurthy<sup>13</sup>**

### **ABSTRACT**

*The developing country like India must provide greater emphasis on enforcement of Trade Mark and Patent in agricultural value added products. The Trade Mark relating to product, the grant provides exclusive right to prevent unauthorized persons from making, using, offering for sale, selling or importing the product in India. In case of Patents relating to process, the patentee receives an exclusive right to prevent unauthorized persons from using the process and offering for sale, selling or importing for those purposes the product obtained directly from the process in India. Product produced by the process is also to be protected. An adequate trademark system is very important to consumers in developing countries, because it permits these consumers to rely on a particular standard of quality associated with the trademark and identify the origin of the trademarked goods, rather than having no means of distinguishing goods from different sources.*

*Hence, the present study is to attempt the trademark and patents practice among the farmers. The outcomes of the importance given to the timing of marketing the produce and implementation of value addition, the significance difference among the farmers have been identified.*

### **KEYWORDS**

**Trade Mark, Patent, Agriculture, Farmers, Value Addition etc.**

### **INTRODUCTION**

India for eternity confessed the substance of a strong Trade Mark and Patent system for the development of industry and commerce, which is evident for the amendments done to bring India at par with the modern world granted to Trade Mark and Patents rights to the people in our country is need of the Innovators and inventors from all fields of technology are keen on protecting their intellectual property. Intellectual property rights have significance in this era of day-by-day started business. The protection hour in particular the provisions related to Trade Mark and Patents in value added agro produces may not follow by producers.

The developing country like India must provide greater emphasis on enforcement of Trade Mark and Patent in agricultural value added products. The Trade Mark relating to product, the grant provides exclusive right to prevent unauthorized persons from making, using, offering for sale, selling or importing the product in India. In case of Patents relating to process, the patentee receives an exclusive right to prevent unauthorized persons from using the process and offering for sale, selling or importing for those purposes the product obtained directly from the process in India. Product produced by the process is also to be protected.

An adequate trademark system is very important to consumers in developing countries, because it permits these consumers to rely on a particular standard of quality associated with the trademark and identify the origin of the trademarked goods, rather than having no means of distinguishing goods from different sources. An adequate trademark system is very important to enterprises in developing countries because it permits them to develop domestic and foreign markets for their products. Without an adequate trademark system, it is very difficult to start a new business

<sup>12</sup>Project Director (ICSSR-IMPRESS) & Professor, Department of Corporate Secretaryship, Alagappa University, Tamil Nadu, India, [a.morarji@gmail.com](mailto:a.morarji@gmail.com)

<sup>13</sup>Project Co-Director (ICSSR-IMPRESS) & Assistant Professor, Department of Corporate Secretaryship, Alagappa University, Tamil Nadu, India, [ganesamurthyk@alagappauniversity.ac.in](mailto:ganesamurthyk@alagappauniversity.ac.in)



or introduce a new product line and to compete with established foreign and domestic enterprises. Hence, the present paper is to attempt the substance of trademark and patent in agricultural products.

### **KEY DEFINITIONS**

A **Trademark, Trade Mark, or Trade-Mark** is a recognizable sign, design, or expression which identifies products or services of a particular source from those of others, although trademarks used to identify services are usually called service marks. The trademark owner can be an individual, business organization, or any legal entity. A trademark may be located on a package, a label, a voucher, or on the product itself. For the sake of corporate identity, trademarks are often displayed on company buildings.

A **Patent** is a form of intellectual property. A patent gives its owner the right to exclude others from making, using, selling, and importing an invention for a limited period, usually twenty years. The patent rights are granted in exchange for an enabling public disclosure of the invention. People who are employed to do research are often obligated by their employment contracts to assign inventions to their employer. In most countries patent rights fall under civil law and the patent holder needs to sue someone infringing the patent in order to enforce their rights. In some industries patents are an essential form of competitive advantage; in others they are irrelevant.

**Value Added Products** - A change in the physical state or form of the product (such as milling wheat into flour or making strawberries into jam). The production of a product in a manner that enhances its value, as demonstrated through a business plan (such as organically produced products).

### **NEED FOR STUDY**

Trade Mark relating to product, the grant provides exclusive right to prevent unauthorized persons from making, using, offering for sale, selling or importing the product in India. In case of Patents relating to process, the patentee receives an exclusive right to prevent unauthorized persons from using the process and offering for sale, selling or importing for those purposes the product obtained directly from the process in India. Product produced by the process is also to be protected. Both Patent and Trade Marks' agricultural products will increase the value of the products and it is protect through the patents and Trade Mark of their invented products. This practice leads to sales and income their farmers.

### **STATEMENT OF PROBLEM**

There is tremendous supply of fruits and vegetables in Sivagangai and Ramnadu districts of Tamil Nadu. Entrepreneurial avenues for value added products are increasing day-by-day. It is observed that there is lack of awareness of the minds of farmers regarding usage of Trademark and Patents. The farmers and producer companies procure the vegetables and fruits for selling due to the nature of the products they concentrate more on value addition for their income increase. In the present scenario most of the farmers engage themselves in producing value added products in fruits and vegetables without proper Trade Mark and Patents absence of the Trade Mark and Patents affect the not only growth of economy but also the health of consumers. Hence, the researcher is induced to take up the research in analyzing the value addition of their products and protect the rights through the getting patents and Trademark and the use of Trade Mark and Patents in their own produced value added products.

### **OBJECTIVES OF STUDY**

The present study is confined to the following objectives.

- To study the Trade Mark and Patents practice among the farmers.
- To analyse and evaluate the need for Trade Mark and Patents for value addition of the agriculture products.
- To elicit the view of the farmers and Producer Company in complying the provision related to trademark pattern for their products.

**HYPOTHESES**

H<sub>01</sub>: There is no significant difference between producer companies and farmers practice in production of value added products.

H<sub>02</sub>: There is no significant difference between different agricultural products and its value added products preparation.

**RESEARCH METHODOLOGY**

In the present study, the descriptive and analytical type research designs will be administered. Since this research describes the view of the Farmers and producer companies who are engaged in preparation and sales of the value added products. It is descriptive in nature and this study will analyze the Problems of farmers in adhering the provisions relating to trademark and patterns.

**Sampling Technique**

The present study were covers Sivaganga and Ramanathapuram districts in Tamilnadu, which are engaged in agricultural activities and in the preparation of values added products. The study will cover two districts in which farmers and the producer companies who are engaged in value added products. The sample includes team of professionals including business experts, HR professionals and Government authorities who are related to IPR. It is proposed to use sampling technique simple random sampling.

**DATA ANALYSIS AND INTERPRETATION**

**Value Addition of the Agricultural Products**

The agricultural raw product is converted into valued products through obtaining trade mark and patents, its leads to reduce the wastage of overwhelming the stage of cultivating the agricultural products. The following steps in converting the raw products into the value added products.

**Table.1: Trademark is Same As Brand**

S. No.	Particulars	Number of Respondents	Percentage
1	Yes	315	75
2	No	110	25
	Total	425	100

Sources: Primary Data

It is implicit from Table-1 that 75% of the respondents opined that trademark is same as brand and 35% of the respondents opined that trademark is not same as brand.

**Table-2: Necessity for Protection of Trademark**

S. No.	Particulars	Number of Respondents	Percentage
1	Yes	325	76
2	No	100	24
	Total	425	100

Sources: Primary Data

It could be seen from above Table-2 that 325 respondents agreed the necessity for protection of trademark. 24% of the respondents have expressed that there is no necessity for the protection of trademark.

**Table-3: Reasons for Popularity of Goods**

S. No.	Particulars	Number of Respondents	Percentage
1	Quality	125	29
2	Trade Mark	150	35
3	Brand Promotions	125	29
4	All the Above	25	5.88
	Total	425	100

Sources: Primary Data

It is examined from table-3 that 35% of respondent agreed that trademark is used for the popularity of goods.

**Table-4: Acquiring a Popular Trademark Promotes Market Access**

S. No.	Particulars	Number of Respondents	Percentage
1	Yes	325	76
2	No	100	24
	Total	425	100

Sources: Primary Data

It is observed from the Table-4 the study that 76% of the respondents have opined trademark acquiring a popular trademark promotes market access. 24% of the respondents expressed negative opinion in this regard.

**Table-5: Satisfactory Level Regarding the Search Process of Trademark**

S. No.	Particulars	Number of Respondents	Percentage
1	Yes	185	43.52
2	No	240	56.47
	Total	425	100

Sources: Primary Data

From the Table.5, the survey disclosed the fact that 56% of the respondents have expressed that that are not satisfied with the search process for the registration of trademark. Only 43% of the respondents satisfied with the search process with regard to registration of trademark.

**Table-6: Need for Publicity of Registered Trademark**

S. No.	Particulars	Number of Respondents	Percentage
1	Yes	320	75.29
2	No	105	24.7
	Total	425	100

Sources: Primary Data

It is clear from the above Table-6 that 320 respondents have expressed the need for the publicity of registered trademark.

**Table-7: Opinion Score Statement by Users**

S. No.	Particulars	Score
1	Strongly Agree (SA)	5
2	Agree (A)	4
3	Disagree (DA)	3
4	Strongly Disagree (SD)	2
5	No Opinion (NO)	1

Sources: Primary Data

From the Table-7, 27 statements - 5-point scale is used. The maximum total score is 425 X 5= 2125. The mean score range is classified as low score, if it ranges between 1-3 and for high score the value ranges between 4-5.

**Table-8: Opinion Mean Score Point by Producers of Value Added Products**

S. No.	Score Range	Number of Respondents	Percentage
1	1 to 3	148	35
2	3 to 4	276	65
	Total	425	100

Sources: Primary Data

It is clear from the above Table.8 that, the majority of the respondents (85.18%) gave the opinions with a mean score ranged between 3-4 regarding the trademark law. The remaining 14.82% of the respondents gave their opinion with a mean score value in the range of between 1-3 On the basis of the Mean score point, the top 5 statements with high score are shown in Table.7

**Table-9: Trade Mark and Patents Practice Among the Farmers**

S. No.	Time of Marketing	Mean Score - Farmers			F-statistics
		Marginal	Small	Big	
1.	Pre-harvest	3.9146	3.0042	2.2541	3.1468*
2.	At the time of harvest	2.4041	3.1408	3.8863	3.3091*
3.	Post-harvest	1.8687	2.4562	3.9094	3.6174*

Sources: Primary Data

Note: \*Significant at 5 per cent level

The important Trade Mark and Patents practice identified by the marginal farmers is pre-harvest since its mean score is 3.9146 whereas among the small farmers, it is at the time of harvest since its mean score is 3.1408. Among the big farmers, it is both at the time of harvest and post-harvest since their mean scores are 3.8863 and 3.9094 respectively. Regarding the importance given to the timing of marketing the produce, the significant difference among the three groups of farmers have been identified in all three type of practices since the respective 'F' statistics are significant at the five per cent level.

### CONCLUSION

The study was conducted the creativity and innovation and the new drivers of innovative the world economy. The agriculture is the main to occupation of many places in India. It has given an opportunity for the value addition the agriculturists to lead their income and protect the invented products in agriculture. It can be increase the demand and supply in proper way. The aspects of promoting customized marketing and marching towards value addition of better result to the farmers.

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